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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
SUFFOLK COUNTY CIVIL ACTION  
NO. 02-04551-T1  
(Consolidated with C.A. 02-1296)

|                          |             |   |
|--------------------------|-------------|---|
| _____                    |             | ) |
| GREGORY FORD, PAULA FORD |             | ) |
| AND RODNEY FORD,         |             | ) |
|                          | Plaintiffs, | ) |
|                          |             | ) |
| v.                       |             | ) |
|                          |             | ) |
| BERNARD CARDINAL LAW,    |             | ) |
|                          | Defendant.  | ) |
| _____                    |             | ) |

RESPONSES OF DEFENDANT, MOST REV. JOHN B. MCCORMACK, TO  
PLAINTIFFS' REQUESTS FOR ADMISSIONS

Counsel for the Defendant objects to these Requests for Admissions on the grounds that they are overbroad and unduly burdensome. Counsel for the Defendant further objects on the grounds that any inquiry through discovery in this regard is in contravention to the First Amendment of the United States and the Declaration of Rights of the First Amendment. Without waiving said objection, the Defendant states as follows;

REQUEST NO. 1

You were Secretary for Ministerial Personnel at the RCAB from around 1984 to around 1994.

RESPONSE NO. 1

Admitted.

REQUEST NO. 2

You were Delegate for Sexual Misconduct at the RCAB from around 1992 or 1993 to around 1994.

RESPONSE NO. 2

Admitted.

REQUEST NO. 3

During your tenure as Secretary for Ministerial Personnel and/or Delegate for Sexual Misconduct at the RCAB, prior to 1993, there was no written RCAB policy concerning the protection of children from sexual abuse by RCAB.

RESPONSE NO. 3

Without sufficient information to admit or deny.

REQUEST NO. 4

During your tenure as Secretary for Ministerial Personnel and/or Delegate for Sexual Misconduct at the RCAB, prior to 1993, there was no RCAB policy to notify the police of claims of sexual abuse by RCAB priests.

RESPONSE NO. 4

Without sufficient information to admit or deny.

REQUEST NO. 5

During your tenure as Secretary for Ministerial Personnel and/or Delegate for Sexual Misconduct at the RCAB you knew the RCAB served tens of thousands of children in the RCAB-sponsored programs, including schools and CCD classes.

RESPONSE NO. 5

Admitted.

REQUEST NO. 6

During your tenure as Secretary for Ministerial Personnel and/or Delegate for Sexual Misconduct at the RCAB, prior to 1993, there was no practice to review a priest's confidential file prior to assigning or re-assigning a priest to ministry.

RESPONSE NO. 6

Without sufficient information to admit or deny.

REQUEST NO. 7

During your tenure as Secretary for Ministerial Personnel and/or Delegate for Sexual Misconduct, from around 1984 to around 1994, documents relating to Father Shanley were kept in the RCAB's Files.

RESPONSE NO. 7

Without sufficient information to admit or deny.

REQUEST NO. 8

During your tenure as Secretary for Ministerial Personnel and/or Delegate for Sexual Misconduct, from around 1984 to around 1994, you could have reviewed the RCAB's Files on Father Shanley

RESPONSE NO. 8

Denied.

REQUEST NO. 9

During your tenure as Secretary for Ministerial Personnel and/or Delegate for Sexual Misconduct, prior to 1993, there was an unwritten policy of confidentiality at the RCAB for dealing with claims of sexual abuse by RCAB priests (the "Confidentiality Policy").

RESPONSE NO. 9

Admitted.

REQUEST NO. 10

In December of 1984, you knew that Bernard Cardinal Law ("Cardinal Law") appointed Father Shanley as Pastor at St. Jean's.

RESPONSE NO. 10

Denied.

REQUEST NO. 11

By 1985, you knew that there was problem of child sexual abuse involving at least ten priests of the RCAB.

RESPONSE NO. 11

Denied.

REQUEST NO. 12

By 1985, you knew that there was national problem of child sexual abuse by priests in the Roman Catholic Church.

RESPONSE NO. 12

Denied.

REQUEST NO. 13

By 1985, you knew tht child sexual abuse by RCAB priests occurred in places where children tended to be served, such as at schools and CCD classes run by the RCAB.

RESPONSE NO. 13

Denied.

REQUEST NO. 14

By 1985, you knew that there was a potential for RCAB priests to sexually abuse children.

RESPONSE NO. 14

Admitted.

REQUEST NO. 15

In May of 1985, you knew that Wilma M. Higgs wrote a letter to Cardinal Law (then, Archbishop Bernard Law) reporting that Father Shanley made statements in the Boston area concerning (1) people involved in homosexual lifestyle, not merely in orientation and (2) adults having sex with children, with the children being the "seducers" and the "guilty ones," which were contrary to the teachings of the RCAB (the "Higgs Letter").

RESPONSE NO. 15

Denied.

REQUEST NO. 16

A true and accurate copy of the Higgs Letter is attached as Exhibit "1" hereto.

RESPONSE NO. 16

Admitted.

REQUEST NO. 17

In May of 1985, you received and read the Higgs Letter.

RESPONSE NO. 17

Admitted.

REQUEST NO. 18

In May of 1985, after you read the Higgs Letter, you knew that Ms. Higgs claimed that some of the statements allegedly made by Father Shanley were on tape.

RESPONSE NO. 18

Admitted.

REQUEST NO. 19

In May of 1985, you believed that the statements allegedly made by Father Shanley were terrible and you were shocked about the alleged statements concerning sex between adults and children.

RESPONSE NO. 19

Admitted.

REQUEST NO. 20

In May of 1985, you had concerns about Father Shanley as a result of what was reported in the Higgs Letter.

RESPONSE NO. 20

Admitted.

REQUEST NO. 21

At no time did you speak to Ms. Higgs to verify whether Father Shanley made the statements referenced in the Higgs Letter.

RESPONSE NO. 21

Admitted.

REQUEST NO. 22

At no time did you speak to Ms. Higgs to get a copy of the tape referenced in the Higgs Letter.

RESPONSE NO. 22

Admitted.

REQUEST NO. 23

At no time did you instruct anyone to speak to Ms. Higgs to verify whether Father Shanley made the statements referenced in the Higgs Letter.

RESPONSE NO. 23

Admitted.

REQUEST NO. 24

At no time did you instruct anyone to speak with Ms. Higgs to get a copy of the tape referenced in the Higgs Letter.

RESPONSE NO. 24

Admitted.

REQUEST NO. 25

You did not review the RCAB's Files on Father Shanley in response to the Higgs Letter.

RESPONSE NO. 25

Admitted.

REQUEST NO. 26

The only action you took to verify whether Father Shanley made the statements referenced in the Higgs Letter was to speak to Father Shanley.

RESPONSE NO. 26

Admitted.

REQUEST NO. 27

In May of 1985, you responded to the Higgs Letter in a written letter of your own (the "McCormack Response Letter").

RESPONSE NO. 27

Admitted.

REQUEST NO. 28

A true and accurate copy of the McCormack Response Letter is attached as Exhibit "2" hereto.

RESPONSE NO. 28

Admitted.

REQUEST NO. 29

Prior to sending the McCormack Response Letter you had not spoken with Cardinal Law about the Higgs Letter.

RESPONSE NO. 29

Admitted.

REQUEST NO. 30

Prior to sending the McCormack Response Letter you had not spoken with Father Shanley about the Higgs Letter.

RESPONSE NO. 30

Admitted.

REQUEST NO. 31

Prior to sending the McCormack Response Letter you had not contacted Father Shanley about the Higgs Letter.

RESPONSE NO. 31

Without sufficient information to admit or deny.

REQUEST NO. 32

Prior to sending the McCormack Response Letter you had not forwarded Father Shanley a copy of the Higgs Letter.

RESPONSE NO. 32

Without sufficient information to admit or deny.

REQUEST NO. 33

You first met with Father Shanley to speak with him about the Higgs Letter on July 25, 1985.

RESPONSE NO. 33

Admitted.

REQUEST NO. 34

In 1985, you owed the Plaintiffs a duty of care to protect them from foreseeable risks of harm by Father Shanley at St. Jean's.

RESPONSE NO. 34

Denied.

REQUEST NO. 35

In 1985, you knew that Father Shanley was Pastor at St. Jean's.

RESPONSE NO. 35

Admitted.

REQUEST NO. 36

In 1985, you knew that Father Shanley had unsupervised access to children as Pastor at St. Jean's.

RESPONSE NO. 36

Admitted.

REQUEST NO. 37

By allowing Father Shanley to remain as Pastor at St. Jean's you breached your duty of care owed to the Plaintiffs.

RESPONSE NO. 37

Denied.



REQUEST NO. 38

At no time from 1985 through 1990 did you place any restriction on Father Shanley's ministry as Pastor at St. Jean's that would have prevented him from having unsupervised access to children.

RESPONSE NO. 38

Admitted.

REQUEST NO. 39

You are not aware of any specific restrictions placed on Father Shanley's ministry as Pastor at St. Jean's by Cardinal Law from 1985 through 1990 that would have prevented Father Shanley from having unsupervised access to children.

RESPONSE NO. 39

Admitted.

REQUEST NO. 40

You are not aware of any specific restrictions placed on Father Shanley's ministry as Pastor at St. Jean's by anyone at the RCAB from 1985 through 1990 that would have prevented him from having unsupervised access to children.

RESPONSE NO. 40

Admitted.

REQUEST NO. 41

During your tenure as Secretary for Ministerial Personnel and/or Delegate for Sexual Misconduct, from the time you received the Higgs Letter to around 1990, you owed the Plaintiffs a duty of care to protect them from foreseeable risks of harm by Father Shanley at St. Jean's.

RESPONSE NO. 41

Denied.

REQUEST NO. 42

By failing to place any restrictions on Father Shanley's ministry as Pastor at St. Jean's, from the time you received the Higgs Letter to around 1990, you breached your duty of care owed to the Plaintiffs.

RESPONSE NO. 42

Denied.

REQUEST NO. 43

During your tenure as Secretary for Ministerial Personnel and/or Delegate for Sexual Misconduct, from around 1984 to around 1994, you knew that the RCAB maintained a "secret" archival file on the ground floor of the Chancery (the "Secret Archive").

RESPONSE NO. 43

Admitted.

REQUEST NO. 44

During your tenure as Secretary for Ministerial Personnel and/or Delegate for Sexual Misconduct, from around 1984 to around 1994, you never inquired whether there was any information on Father Shanley in the Secret Archive.

RESPONSE NO. 44

Denied.

REQUEST NO. 45

When Father Shanley left St. Jean's, in late 1989 or early 1990, you knew that he was in need of mental health treatment.

RESPONSE NO. 45

Denied.

REQUEST NO. 46

As of March of 1991, you knew that Father Shanley was seeing a psychologist.

RESPONSE NO. 46

Denied.

REQUEST NO. 47

In November of 1991, you received a letter from Edwin H. Cassem, M.D., reporting that Father Shanley was crippled by a psychiatric illness (the "Cassem Letter").

RESPONSE NO. 47

Denied.

REQUEST NO. 48

A true and accurate copy of the Cassem Letter is attached as Exhibit "3" hereto.

RESPONSE NO. 48

Denied.

REQUEST NO. 49

You read the Cassem Letter in November of 1991.

RESPONSE NO. 49

Admitted.

REQUEST NO. 50

You did not review the RCAB's Files on Father Shanley in response to the Cassem Letter.

RESPONSE NO. 50

Admitted.

REQUEST NO. 51

In 1991, you knew that Father Shanley endorsed sexual relations between adults and children and that the psychiatric illness referred to in the Cassem Letter related to such endorsement.

RESPONSE NO. 51

Denied.

REQUEST NO. 52

In 1991, you owed the Plaintiffs a duty of care to protect them from foreseeable risks of harm when Father Shanley was at St. Jean's.

RESPONSE NO. 52

Denied.

REQUEST NO. 53

By failing to notify the Plaintiffs that Father Shanley endorsed sexual relations between adults and children and that the psychiatric illness referred to in the Cassem Letter related to such endorsement you breached your duty of care owed to the Plaintiffs.

RESPONSE NO. 53

Denied.

REQUEST NO. 54

In 1993 and 1994, you knew that Father Shanley allegedly had molested children while he was an RCAB priest in Massachusetts (the "1993/1994 Allegations").

RESPONSE NO. 54

Admitted.

REQUEST NO. 55

You did not review the RCAB's Files on Father Shanley in response to the 1993/1994 Allegations.

RESPONSE NO. 55

Denied.

REQUEST NO. 56

In conformity with the Confidentiality Policy you did not notify the Plaintiffs at any time that Father Shanley had been accused of sexual abuse.

RESPONSE NO. 56

Denied.

REQUEST NO. 57

In 1993 and 1994, you owed the Plaintiffs a duty of care to protect them from foreseeable risks of harm when Father Shanley was at St. Jean's.

RESPONSE NO. 57

Denied.

REQUEST NO. 58

By failing to notify the Plaintiffs that Father Shanley had been accused of sexual abuse you breached your duty of care owed to the Plaintiffs.

RESPONSE NO. 58

Denied.

REQUEST NO. 59

Prior to leaving the RCAB you did not tell Cardinal Law about the existence or the substance of the Higgs Letter.

RESPONSE NO. 59

Without sufficient information to admit or deny.

REQUEST NO. 60

Prior to leaving the RCAB you did not tell Cardinal Law about the existence or the substance of the Cassem Letter.

RESPONSE NO. 60

Without sufficient information to admit or deny.

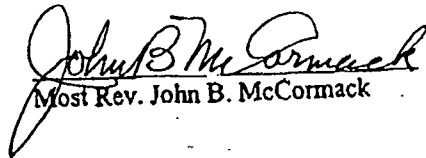
REQUEST NO. 61

You maintained a friendship with Cardinal Law since you left the RCAB in 1994.

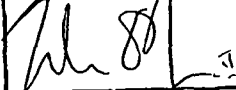
RESPONSE NO. 61

Denied.

Signed under the pains and penalties of perjury this 6th day of January, 2003.

  
Most Rev. John B. McCormack

As to objections:



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